(1)

CHECK

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WP NO. 2592/2003

PETITIONER

AN SINGH. Aged about 45 years son of Shri Digvijay Singh, occupation – service Sub Engineer Presently posted at Janpad Panchayat Bagicha, Distt. Jashpur (Chhattisgarh).

VERSUS

RESPONDENTS

1) The State of Chhattisgarh, through : The Chief Secretary, D.K.S. Bhawan, Mantralay, Raipur (Chhattisgarh).

2) Deputy Secretary, Panchayat Avam Gramin Vikas Vibhag, D.K.S. Bhawan, Raipur (Chhattisgarh)

3) The District Collector, Jashpur (Chhattisgarh)

4) The Chief Executive Officer, Janpad Panchayat, Bagicha, Distt. Jashpur (CG)

P.R. No. 2443103
Presented by Shri Parker Minz
dated 19.08.03

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19-8-03
CLERK TO A.G. BILASPUR

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTIUION OF INDIA FOR APPROPRIATE, DIRECTION / ORDER IN THE NATURE OF WRIT, MANDAMMUS / CERTIORARI, PROHIBITION ETC.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(D)

आदेश पत्रक

मामला क्रमांक WP 2502/2003 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	30-8-2003 Shri Sushil Dubey, counsel for the petitioner. Heard. By this petition filed under Article 226/227 of the Constitution of India the petitioner seeks to challenge his transfer order dated 7-8-2003 passed by the respondent No.2. The learned counsel for the petitioner submits that the petitioner is working as Sub-Engineer, Janpad Panchayat Bagicha, District Jashpur and from there he has been transferred to Janpad Panchayat, Charama, District Kanker. Counsel further submits that two children of the petitioner are studying at Ambikapur and one is studying at Bagicha and the present place of posting is 700 klms. away from the Bagicha, therefore, the transfer order be quashed. During the course of the arguments, the learned counsel for the petitioner very frankly submitted that the petitioner is working at Bagicha since last two years and in the opinion of the Court it is sufficient course for the govt. servant to remain at one place. Moreover, no bias or malafide has been alleged nor any violation of statutory rules has been mentioned in this petition and the transfer has been effected on the administrative exigencies. Counsel further submits that at present no post is lying vacant where the petitioner has been transferred. It is for the concerned authority who has transferred the petitioner to ensure that the petitioner is allowed to join on the post on which he has been transferred.	

XI-HC-22

(18)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... **सन्** 200

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

In this connection, the petitioner is allowed to make representation within a period of 10 days before the respondent No.2 raising all his grievances that he has been transferred on a post which is not vacant and one officer has already working there who has not been transferred from that post. The respondent No.2 will decide the representation of the petitioner within a period of 30 days from the date of receipt of the representation in an objective manner in which the respondent No.2 will also consider the points that the petitioner has been transferred on a post which is not vacant and one officer is already working there on that post who has not been transferred and if the respondent No.2 decides to enforce the order then he will ensure that the petitioner is allowed to join on the post.

With these observations, the writ petition is disposed of accordingly.

Consequently, M.(W.)P. No. 2377/2003 and I.A. No. 7839/2003 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Barve

[पीछे देखिये

Copy 29.09.03